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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 4699-0103P
	Application Number 10/787,188-Conf. #4585	Filed February 27, 2004
	First Named Inventor Takata YOSHIKI	
	Art Unit 2875	Examiner J. Y. Choi
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>29,271</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p><u>Charles Gorenstein</u> Signature Typed or printed name</p> <p><u>(703) 205-8000</u> Telephone number</p> <p><u>December 21, 2006</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>		

Docket No.: 4699-0103P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takata YOSHIKI

Application No.: 10/787,188

Confirmation No.: 4585

Filed: February 27, 2004

Art Unit: 2875

For: SURFACE RADIATION CONVERSION
ELEMENT, LIQUID CRYSTAL DISPLAY
DEVICE, AND METHOD OF PRODUCING A
SURFACE RADIATION CONVERSION
ELEMENT

Examiner: J. Y. Choi

STATEMENT IN SUPPORT OF REQUEST FOR PRE-APPEAL BRIEF REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Claims 1-14, 16-18 and 20-22 are pending in the above application. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Onishi, U.S. 2001/0053074, and claims 16-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi, 6,425,675, which is the patent that issued from the above Onishi publication.

Claim 1 is rejected as being anticipated by Onishi. Claim 1 requires a surface radiation conversion element that includes, *inter alia*, an element body having, in the inside of the element body, a plurality of closed spaces. The Office Action interprets element 4 of Onishi as corresponding to the claimed element body. However, neither element 3 of Onishi nor element 4 of Onishi includes spaces inside the element body - both elements 3 and 4 appear to be solid. It appears from the annotated drawing figures copied from Onishi on page 3 of the Office Action that the passages between Onishi's light guide 3 and light output plate 4 and between adjacent projections 7 are the "spaces" being referred to in the Office Action. Therefore, neither element

3 nor element 4 of Onishi includes spaces inside as required by claim 1.

In addition, the above-mentioned passages are not closed as required by claim 1; Figure 1 of Onishi, for example, shows that these passages are open on both ends. The Office Action states that these open passages are “closed spaces” because “closed” allegedly means “having little or no space between elements or parts; tight and compact.” No source for this definition was identified.

It is respectfully submitted that the definition used in the Office Action is not a definition of “closed” (as in “not open”) but rather a definition of “close” (as in “nearby”). See, for example, definition 4 of “close” from the American Heritage Dictionary of the English Language, found at www.bartleby.com, a copy of which is submitted herewith. Also enclosed is a copy of the definition of “closed” from the same dictionary which does not have the meaning ascribed to it in the Office Action. Claim 1 does not require that two elements be “close,” but rather that claimed spaces be “closed.” Passageways that are open at one or both ends are not closed, but instead, are open. For these reasons, it is respectfully submitted that open-ended passageways are in no manner “closed spaces” as required by claim 1.

The Office Action argues that claims must be given their broadest reasonable interpretation. As provided by MPEP 2111, however, “the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” It is respectfully submitted that one skilled in the art, presented with the Onishi reference, would not interpret Onishi’s open passages as closed spaces. Onishi does not show or suggest closed spaces as required by claim 1, and claim 1 is submitted to be allowable over this reference for at least this reason. Reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-7 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi. Claim 8, like claim 1, requires a plurality of closed spaces inside an element body. Claim 8 is therefore submitted to be allowable over Onishi for at least the same reasons as claim 1. Claims 9-14 depend from claim 8 and are submitted to be allowable for at least the same reasons as claim 8.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi. The Office Action states that Onishi does not show a method of use of a particular structure. Claim 16, however, does not claim a method of using a structure. Claim 20 requires a method of producing a surface radiation conversion element that positively recites several process steps. Onishi does not show providing a first member and a second member, one of which has recesses and connecting the first member to the second member to close the recesses. As argued above in connection with claim 1, no closed recesses are shown or suggested by Onishi, and a method that produces closed spaces is also not shown. Claim 20 is submitted to be allowable over Onishi for at least this reason.

Claims 21, 22 and 16-18 depend from claim 20 and are submitted to be allowable for at least the same reasons as claim 20.

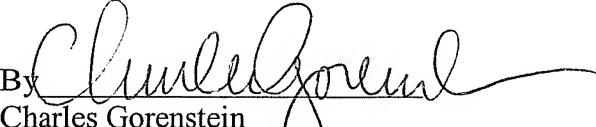
Claim 21 further distinguishes over Onishi by requiring a step of filling recesses with a solid material. The Office Action indicates that Onishi's passages are filled with air. Claim 21 further distinguishes over Onishi for at least this reason.

CONCLUSION

Reconsideration and allowance of claims 1-14, 16-18 and 20-22 is earnestly solicited in view of the foregoing remarks.

Dated: December 21, 2006

Respectfully submitted,

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The screenshot shows the Bartleby.com homepage with a navigation bar for Reference, Verse, Fiction, and Nonfiction. Below the navigation is a search bar labeled 'Search Dictionary'. The main content area displays the entry for 'close' from the American Heritage Dictionary. The entry includes the pronunciation (klōs), parts of speech (ADJECTIVE and VERB), and various meanings numbered 1 through 22. There are also links for 'CONTENTS', 'INDEX', 'ILLUSTRATIONS', and 'BIBLIOGRAPHIC RECORD'.

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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

close

PRONUNCIATION: klōs

ADJECTIVE: Inflected forms: **clos·er**, **clos·est**

1. Being near in space or time. See Usage Note at **redundancy**. 2. Being near in relationship: *close relatives*. 3. Bound by mutual interests, loyalties, or affections; intimate: *close friends*. 4. Having little or no space between elements or parts; tight and compact: *a close weave*. 5. Being near the surface; short: *a close haircut*. 6. Being on the brink of: *close to tears*. 7. Decided by a narrow margin; almost even: *a close election*. 8. Faithful to the original: *a close copy*. 9. Rigorous; thorough: *close attention*; *close supervision*. 10. Shut; closed. 11. Shut in; enclosed. 12. Confining or narrow; crowded: *close quarters*. 13. Fitting tightly: *close garments*. 14. Lacking fresh air; stuffy: *a close room*. 15. Confined to specific persons or groups: *a close secret*. 16. Strictly confined or guarded: *kept under close custody*. 17. Hidden from view; secluded. 18. Secretive; reticent: *was close about her personal life*. 19. Giving or spending with reluctance; stingy. 20. Not easily acquired; scarce: *Money was close*. 21. *Linguistics* Pronounced with the tongue near the palate, as the *ee* in *meet*. Used of vowels. 22. Marked by more rather than less punctuation, especially commas.

VERB: Inflected forms: **closed**, **clos·ing**, **clos·es**
(klōz)

TRANSITIVE VERB: 1. To move (a door, for example) so that an opening or passage is covered or obstructed; shut. 2. To bar access to: *closed the road for repairs*. 3. To fill or stop up: *closed the cracks with plaster*. 4. To stop the operations of permanently or temporarily: *closed down the factory*. 5. To make unavailable for use: *closed the area to development*; *closed*

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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

closed

PRONUNCIATION:  klōzd

ADJECTIVE: 1. Having boundaries; enclosed: *a closed corridor between the two buildings*. 2. Blocked or barred to passage or entry: *a closed port*. 3. Explicitly limited; restricted: *closed membership*. 4. Self-contained or self-sufficient: *a closed relationship*. 5. Barred to the public; conducted in secrecy: *a closed session of the judiciary committee*. 6. *Mathematics* a. Of or relating to a curve, such as a circle, having no endpoints. b. Of or relating to a surface having no boundary curves. c. Of or relating to an interval containing both its endpoints. d. Characterized by or possessing the property by which an operation acting on an element in a set produces an element within the set. 7. *Computer Science* Of or relating to a file that cannot be accessed. 8. *Electricity* Allowing electricity to flow or pass: *a closed switch*. 9. *Linguistics* Ending in a consonant: *a closed syllable*. 10. *Sports* a. Having the forward foot closer to the intended point of impact with the ball than the rear foot: *a closed batting stance*. b. Held or swung with the top or outer edge of the striking face pointing slightly closer to the objective than the lower or inner edge: *The club face was closed when it hit the ball, causing a hook*.

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